



## BOMMARITO LAW OFFICES, PLLC

180 E Washington Rd | PO Box 189 | Freeland, MI 48623

February 26, 2016

1328

Clerk of the Court  
Bay County Circuit Court  
1230 Washington Ave.  
Bay City, Michigan 48708



Re: Cynthia A. Luczak v Thomas L. Hickner, et al  
Case No.: 15-3583-AW (KS)

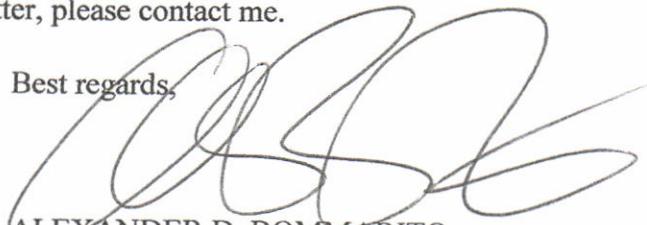
Dear Sir/Madam:

Enclosed herewith please find the following which I would appreciate being filed on behalf of Defendants in regards to the above-mentioned matter:

1. Defendant 18<sup>th</sup> Circuit Court and Defendant Kim Mead's Answer to First Amended Complaint, New Matter and Affirmative Defenses.
- \* Proof of Service box affixed thereto.

If you have any questions regarding this matter, please contact me.

Best regards,

  
ALEXANDER D. BOMMARITO  
e-mail: [adb@freelandlaw.net](mailto:adb@freelandlaw.net)

ADB/ls

Enclosure

cc: Matthew T. Smith  
Joseph W. Colaianne  
Attorneys at Law  
Defendants

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF BAY

CYNTHIA A. LUCZAK, BAY COUNTY  
CLERK in her capacity as an elected official,

Case No. 15-3583-AW (KS)

Plaintiff,

HON. PAUL H. CHAMBERLAIN  
(P31682)

-vs-

THOMAS L. HICKNER, Bay County  
Executive, in his capacity as an elected  
official; BAY COUNTY BOARD OF  
COMMISSIONERS, the governing body  
for the County of Bay; 18<sup>th</sup> JUDICIAL  
CIRCUIT COURT; and KIM MEAD,  
Bay County Circuit Court Administrator,

Defendants.

CLARK HILL, PLC  
BY: MATTHEW T. SMITH (P46754)  
JOSEPH W. COLAIANNE (P47404)  
Attorneys for Plaintiff  
212 E. Grand River Ave.  
Lansing, Michigan 48906  
Telephone: 517-318-3100

BOMMARITO LAW OFFICES, PLLC  
BY: ALEXANDER D. BOMMARITO (P62704)  
Attorney for Defendants  
180 E. Washington Road  
P.O. Box 189  
Freeland, Michigan 48623  
Telephone: 989-573-5300

**PROOF OF SERVICE**

THE UNDERSIGNED CERTIFIES THAT THE FOREGOING  
INSTRUMENT WAS SERVED UPON ALL PARTIES TO THE  
ABOVE CAUSE TO EACH OF THE ATTORNEYS OF RECORD  
HEREIN AT THEIR RESPECTIVE ADDRESSES DISCLOSED ON  
THE PLEADINGS ON 2-26-16

BY:  
 U.S. MAIL                      FAX \_\_\_\_\_  
 HAND DELIVERED              OVERNIGHT COURIER \_\_\_\_\_  
 FEDERAL EXPRESS              OTHER \_\_\_\_\_

SIGNATURE: *Paul Schriber*

**DEFENDANT 18<sup>TH</sup> CIRCUIT COURT AND DEFENDANT KIM MEAD'S  
ANSWER TO FIRST AMENDED COMPLAINT, NEW MATTER  
AND AFFIRMATIVE DEFENSES**

NOW COME Defendants, 18<sup>th</sup> JUDICIAL CIRCUIT COURT and KIM MEAD, Bay  
County Circuit Court Administrator, by and through their attorney, ALEXANDER D.

BOMMARITO, of BOMMARITO LAW OFFICES, PLLC, in answer to Plaintiff's First Amended Complaint, further state as follows:

**GENERAL ALLEGATIONS**

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
10. Defendants admit that as County Clerk, Plaintiff serves as the Clerk of the Circuit Court. Defendants aver lack of knowledge sufficient to form a belief with respect to the remaining allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
11. Defendants admit that as County Clerk, Plaintiff has custodial responsibilities for the Court records. Defendants aver lack of knowledge sufficient to form a belief with respect to the remaining allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
12. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
13. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
14. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.

15. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
16. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
17. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
18. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
19. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
20. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
21. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
22. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
23. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
24. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
25. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.

26. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
27. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
28. Defendants admit that the current staffing level for the Clerk of the Circuit Court includes four (4) full-time employees. Defendants aver lack of knowledge sufficient to form a belief with respect to the remaining allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
29. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
30. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
31. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
32. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
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35. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
36. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.

37. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
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58. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.

- 59. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
- 60. Denied for the reason that said allegations are untrue.
- 61. Denied for the reason that said allegations are untrue.
- 62. Denied for the reason that said allegations are untrue.
- 63. No response required, statute speaks for itself.
- 64. No response required, statute speaks for itself.
- 65. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.
- 66. Denied for the reason that said allegations are untrue.
- 67. Defendants aver lack of knowledge sufficient to form a belief with respect to the allegations contained therein, neither admitting nor denying same, leaving Plaintiff to her proofs in support thereof.

WHEREFORE, Defendants request a judgment of no cause for action, together with costs and attorney fees to be assessed.

**COUNT I**  
**COMPLAINT FOR APPOINTMENT OF LEGAL COUNSEL**

- 68-94. No response required as this claim has been dismissed by the Opinion and Order of the Court dated February 5, 2016.

**COUNT II**  
**DECLARATORY RULING ON CLERK'S DUTY**  
**TO BE COUNTY AND CLERK OF THE CIRCUIT COURT**

- 95. Defendants incorporate paragraphs 1 through 94 as if set forth word for word and paragraph by paragraph.
- 96. Admitted.
- 97. Defendants deny that MCL 600.591 states what Plaintiff alleges, as untrue.
- 98. No response required, case speaks for itself.

**BUSINESS ADDRESS:**  
180 E. Washington Road  
P.O. Box 189  
Freeland, Michigan 48623  
Telephone: 989-573-5300